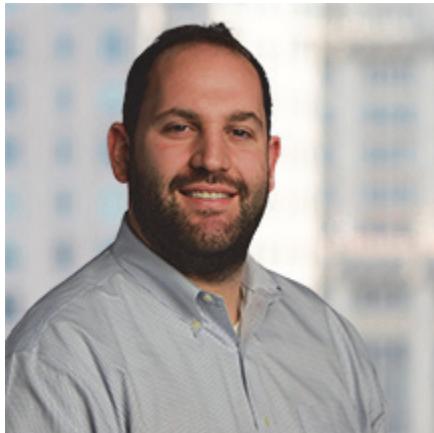


EXHIBIT C



Alan Schoenfeld

PARTNER

NEW YORK | + 1 212 937 7294

ALAN.SCHOENFELD@WILMERHALE.COM

Alan Schoenfeld has experience representing clients in a wide variety of civil matters before state and federal courts, at both the trial and appellate levels. His practice has focused on commercial disputes and defense of complex class actions, with a particular focus on financial institutions. He has represented a diverse group of clients in cases involving securities, antitrust, bankruptcy, RICO, FCRA, EFTA, FDCPA, UDAP, contract and tort claims, among others.

Mr. Schoenfeld also has extensive experience with appellate litigation in United States Courts of Appeals and the Supreme Court of the United States. He has been involved in briefing and oral argument for matters involving a wide range of issues of both federal and state law, including federal Indian law, intellectual property, antitrust, banking law, contract law, and criminal law and procedure. Mr. Schoenfeld has represented clients before the United States Courts of Appeals for the First, Second, Sixth, Ninth, Eleventh and Federal Circuits, and has presented oral arguments in the Second and Ninth Circuits.

Prior to joining the firm, Mr. Schoenfeld completed clerkships with the Honorable Sonia Sotomayor of the United States Court of Appeals for the Second Circuit, and the Honorable Denise Cote of the United States District Court for the Southern District of New York. He was a summer associate at WilmerHale in 2005 and 2006.

Community Involvement

Mr. Schoenfeld is vice chairman of the board of directors of Let's Get Ready.

Pro Bono

Mr. Schoenfeld has an extensive pro bono practice, with a particular focus on LGBT, immigration, special education and federal Indian law matters. He has acted as counsel or co-counsel to the ACLU LGBT & HIV Project, Immigration Equality, Planned Parenthood, Advocates for Children of New York, and the National Congress of American Indians in numerous matters.

Mr. Schoenfeld was a member of the WilmerHale team acting as co-counsel to the Commonwealth of Massachusetts in its challenge to the constitutionality of the federal Defense of Marriage Act (DOMA). He is currently representing a transgender inmate incarcerated in Virginia, in her Eighth Amendment challenge to the State's refusal to provide medically necessary treatment for her gender dysphoria.

Professional Activities

Mr. Schoenfeld serves as co-chair of the firm's Hiring Committee in New York.

Recognition

- Named a "Rising Star" in 2017 by New York *Super Lawyers* for his business litigation practice
- Selected as the 2014 recipient of the Federal Bar Council's inaugural Thurgood Marshall Award for Exceptional Pro Bono Service
- Recognized by the National LGBT Bar Association in 2013 as one of the Best LGBT Lawyers Under 40

Credentials

EDUCATION

JD, Yale Law School, 2006
Essays Editor, *Yale Law Journal*
MPhil, University of Cambridge, 2003

BA, Yale College, 2002
summa cum laude
Phi Beta Kappa

ADMISSIONS

New York

The Hon. Sonia Sotomayor, US Court of Appeals for the Second Circuit, 2006 - 2007
US District Court for the Southern District of New York, 2007 - 2008



Michael G. Bongiorno

PARTNER

Co-Chair, Securities Litigation and Enforcement Practice Group

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MICHAEL.BONGIORNO@WILMERHALE.COM

Michael Bongiorno concentrates his practice on securities litigation and enforcement matters. He has served as first-chair lead defense counsel and argued motions to dismiss in dozens of securities class action and derivative suits across the country, as well as appeals affirming dismissals in federal and state courts. His clients have achieved dismissal in the vast majority of such matters. His successful defense in such cases spans a variety of industries and jurisdictions, and he is a recognized leader in securities litigation and enforcement matters, particularly in matters against biotech, life science, biomaterials, medical device, and medical product companies, and has handled cases in many other industries and areas as well, including energy, construction, education, technology, shipping and retail.

Thus far in 2020, he has achieved eight substantial victories, including a landmark ruling in the Supreme Court of Delaware upholding the validity of a Federal Forum Provision in a client's corporate charter; the affirmance of dismissals of three securities class actions after appellate oral arguments in United States Courts of Appeals (two in the Second Circuit, one in the First Circuit); and the dismissal of securities class actions in four federal district courts (Southern District of New York, Northern District of California, District of New Jersey, and District of Massachusetts). In 2019, he obtained dismissals in five securities class actions, in five different federal courts.

His successful representations as lead defense counsel in securities class actions include the dismissal of cases against companies such as Synacor, Inc., Top Ships, Inc., Ocular Therapeutix, Inc., Assertio, Inc., Electronics for Imaging, Inc., Solid Biosciences, Inc., Argos Therapeutics, Inc., Tetraphase Pharmaceuticals, Inc., Apollo Education Group, Inc., Nabriva Therapeutics, PLC, ConforMIS, Inc., Britannia Bulk Holdings Inc., Optionable, Inc., DryShips Inc., InVivo Therapeutics Holdings Corp., AVEO Pharmaceuticals, Inc., VeraSun Energy Corp., Technical Olympic, S.A., EDAP TMS, S.A., Medtronic, Inc., AtheroGenics, Inc., and many others, in over a dozen jurisdictions around the country.

Mr. Bongiorno also has extensive experience leading internal investigations and securities regulatory and enforcement matters, including matters before the Securities and Exchange Commission, the Department of Justice and FINRA. He regularly advises boards of directors and board committees with regard to corporate governance and matters related to litigation, enforcement, regulatory issues, derivative and document demands, and crisis management.

Mr. Bongiorno has substantial trial experience in federal and state courts in various contexts. Trial successes include the defense of a company and its officers against fraud and other related claims in Massachusetts Superior Court (affirmed on appeal), and a five-week trial in the US Bankruptcy Court for the Southern District of New York regarding corporate governance and fiduciary duty claims (resulting in an extraordinarily favorable settlement for his clients). He has tried more than 20 civil and

criminal matters in his career in various tribunals, including federal and state court jury trials, bench trials, as well as AAA and FINRA arbitrations.

Professional Activities

- Former Special Assistant District Attorney, Middlesex County, Massachusetts

Experience

- Mr. Bongiorno currently serves as lead counsel for a variety of companies in securities litigation matters. His success in various industries over the years includes companies in a wide range of business sectors. Representative successes include:
 - Successfully argued at the Second Circuit to affirm the dismissal with prejudice and denial of request to replead of securities class action alleging that a technology company made false statements and omissions concerning its projections of annual revenue, internal controls and other issues. *Lefkowitz et al. v. Synacor, Inc., et al.*, 2019 WL 4053956 (S.D.N.Y. Aug. 28, 2019), *aff'd sub nom. Shreiber v. Synacor, Inc.*, --- Fed. Appx. ---, 2020 WL 6165909 (2nd Cir. Oct. 20, 2020).
 - Successfully argued to affirm on appeal the dismissal of a class action alleging securities fraud and market manipulation arising out of a shipping company issuing large quantities of securities to outside institutional investors and effecting reverse stock splits. *Onel v. Top Ships, Inc.*, 806 Fed. Appx. 64, 2020 WL 1608523, Fed. Sec. L. Rep. P 100,789 (2nd Cir. Apr. 2, 2020). The District Court had dismissed the case without leave to replead. *Brady v. Top Ships Inc.*, 2019 WL 3553999 (E.D.N.Y. Aug. 5, 2019).
 - Successfully represented Blue Apron in landmark case, establishing that Delaware corporations may legally enact forum selection clauses requiring Securities Act class actions to be filed only in federal court. *Salzberg v. Sciabacucchi*, 227 A.3d 102 (Del. Supr. Ct. 2020).
 - Obtained dismissal with prejudice in matter in which plaintiff alleged that accounting and internal control issues led to delay in reporting of financial results and stock drop. *In re Electronics for Imaging, Inc. Sec. Litig.*, 2019 WL 397981 (D.N.J. Jan. 31, 2019). The plaintiffs dismissed their appeal voluntarily. 2019 WL 5152343 (3rd Cir. Sept. 24, 2019).
 - Obtained dismissal of a defendant in a class action alleging securities fraud based on claims of bribery of a foreign official and various statements regarding good corporate governance and internal disclosure controls. *Das v. Rio Tinto, et al.*, 332 F. Supp. 3d 786 (S.D.N.Y. 2018).
 - Successfully represented Apollo Education Group in a securities class action lawsuit filed against it based on the University of Phoenix's military recruiting practices and its transition to a new online learning platform. The initial amended complaint was dismissed without prejudice after oral argument in February, 2017, *Lomingkit v. Apollo Education Group, Inc.*, 275 F. Supp. 3d 1139 (D. Ariz. 2017), and after repleading and further oral argument, the matter was then dismissed with prejudice, 2017 WL 633148 (D. Ariz. Feb. 16, 2017).

- Co-lead trial counsel for Getty Petroleum Marketing's liquidating trust in its trial against its former parent and affiliate entities regarding the sale of the majority of Getty's assets. After five weeks of trial in the Southern District of New York Bankruptcy Court in 2013, obtained an extremely favorable settlement for the trust.
- Successfully defended at trial in Superior Court in Massachusetts a privately owned company against claims by former officer for breach of contract, fraud, and unfair trade practices, and successfully argued for affirmance of the judgment on appeal before the Massachusetts Court of Appeals in 2014. *Wecker v. Performance Indicator, LLC*, 86 Mass. App. Ct. 1118 (2014).
- Represented a major New York investment bank in a FINRA enforcement investigation regarding leveraged and inverse ETFs.
- Represented entire underwriting syndicate of more than twenty investment banks in dismissal with prejudice of all claims against the banks in a 2012 Southern District of New York decision.
- Defended many merger-related cases in state and federal courts nationwide, as counsel both to acquirers and targets, including the denial of an injunction in 2016 in Delaware Chancery Court in an action seeking to halt a multi-billion dollar transaction.
- Obtained dismissal of securities fraud case under Section 10 of the Exchange Act and Section 11 of the Securities Act in the Eastern District of Missouri in 2012 arising out of various transactions and secondary offerings (*Rabbani v. DryShips Inc.*, 2012 WL 5395787 (E.D. Mo. Nov. 6, 2012)).
- Represented all defendants in the dismissal of a class action lawsuit filed against former officers of VeraSun Energy Corporation regarding its pricing and hedging practices. *Gissin*, 739 F. Supp. 2d 488 (S.D.N.Y. 2010).
- Obtained the dismissal in 2009 of all claims in a class action filed in the Southern District of New York arising out of a foreign shipping company's initial public offering (*In re Britannia Bulk Sec. Litig.*, 665 F. Supp. 2d 404 (S.D.N.Y. 2009), and the denial in 2010 of a Rule 60 motion to re-open the same matter (2010 WL 446529 (S.D.N.Y. Feb. 9, 2010)).
- Obtained the dismissal in a securities class action in the Southern District of New York in 2008 alleging violations of the Exchange Act of 1934 against an entity that served as a broker of natural gas and other energy derivatives (*In re Optionable Sec. Litig.*, 577 F. Supp. 2d 681 (S.D.N.Y. 2008)), and successfully argued against a Rule 60 motion seeking to re-open the same matter in 2009.
- Overturned class certification for a medical products company in "a case of first impression" in the First Circuit in the context of defining an efficient market for purposes of the "fraud on the market" doctrine in securities fraud matters; then presented live expert testimony and obtained a decision denying recertification following a full evidentiary hearing, after remand from the First Circuit.
- Defended a variety of direct and derivative claims against individual directors and officers alleging breaches of fiduciary duties and other similar allegations in a variety of contexts, including matters before Chancery Court in Delaware and elsewhere.
- Mr. Bongiorno has overseen numerous board and audit committee investigations involving a variety of issues, including revenue recognition, corporate misconduct, disclosures, financial

reporting and accounting issues. He regularly represents both companies and individuals in investigations and enforcement actions by various regulatory agencies such as the Securities and Exchange Commission and Department of Justice.

- Mr. Bongiorno has had an extraordinary amount of experience and success in defending FDA-regulated entities, such as biotechnology and medical device companies and their officers and directors, in federal securities fraud class action suits, derivative suits, and SEC investigations related to disclosures surrounding the progress of clinical trials, the FDA approval process, and the safety and efficacy of their products. Dismissals of securities fraud and derivative suits in this area include the following decisions:
 - *Hackel v. AVEO*, C.A. No. 19-cv-10783-ADB, 2020 WL 4274542 (D. Mass. July 24, 2020): Court dismissed entire case with prejudice based on various warnings and cautionary statements about possible delays in projected timing of announcement of results of Phase 3 clinical trial for drug in development.
 - *In re Ocular Therapeutix Sec. Litig.*, 2019 WL 1950399 (D. Mass. April 30, 2019), *aff'd sub nom. Mehta v. Ocular Therapeutix*, 955 F.3d 194 (1st Cir. 2020): obtained dismissal after oral argument in securities class action alleging company failed properly to disclose substance of FDA Form 483 letters in response to manufacturing inspections, then argued successfully for the affirmance of the dismissal at the First Circuit Court of Appeals.
 - Obtained the dismissal of a securities class action complaint arising out of an alleged failure to disclose a Form 483 letter after an FDA inspection of an overseas contract manufacturing facility for a developer of an antibiotic. *Schaeffer v. Nabriva Therapeutics PLC*, No. 19-cv-04183-VM, 2020 U.S. Dist. LEXIS 78035 (S.D.N.Y. Apr. 28, 2020).
 - *Huang v. Assertio*, 2019 WL 1245136 (N.D. Cal. March 18, 2019): successfully argued for dismissal of an action against an FDA-regulated company based on allegations that the company promoted its product off-label and failed to disclose regulatory risks associated with its sales practices. The court later dismissed all claims with prejudice after an amended complaint, further briefing, and additional oral argument. *Huang v. Assertio*, 443 F. Supp. 3d 1031 (N.D. Cal. 2020).
 - Successfully obtained transfer from New York to issuer's home state of Massachusetts and then the voluntarily dismissal of a securities class action against a biotech company arising out of disclosures related to the status and enrollment of a clinical trial. *Garity v. Tetraphase*, 2019 WL 2314691, (S.D.N.Y. May 30, 2019).
 - Successfully argued in well-publicized ruling that Massachusetts state courts cannot maintain nationwide class actions in Securities Act cases, leading to a stay of a state court securities case, then obtained a voluntarily dismissal of both the federal and state court cases, ending all pending securities litigation. *Lowinger v. Solid Biosciences, Inc.*, 35 Mass. L. Rptr. 133, 2018 WL 3711305 (Mass. Super. June 24, 2018) and *Watkins v. Solid Biosciences, Inc.*, No 18-cv-10639 (D. Mass.).
 - *Harrington v. Tetraphase Pharm. Inc.*, 2017 WL 1946305 (D. Mass. May 9, 2017): obtained dismissal four days after oral argument in a securities fraud claim arising out of stock drop after announcement of disappointing results of a Phase 3 clinical trial. The decision was closely watched and received substantial attention because of its ruling regarding the protection afforded to sales made pursuant to 10b5-1 trading plans.
 - *Battle Constr. Co. v. InVivo Therapeutics Holdings Corp.*, 101 F. Supp. 3d 135, *aff'd sub nom. Ganem v. InVivo Therapeutics Holdings Corp.*, 845 F.3d 447 (1st Cir. 2017):

successfully argued for the dismissal of a securities fraud complaint at the federal district court level and before the United States Court of Appeals for the First Circuit in this action arising out of the defendant company's disclosures related to communications with the FDA regarding the timing of a study of a new biomaterials device.

- *Luger v. McCarthy*, 65 N.E.3d 671 (Mass. App. Ct. 2017): successfully argued before the state trial and appeals court for the dismissal of this shareholder derivative action arising out of disclosures related to FDA studies.
- *Cody v. ConformIS, Inc.*, 199 F. Supp. 3d 409 (D. Mass. 2016): successfully argued before the federal district court for the dismissal of this action arising out of the recall of a medical device as a result of certain manufacturing concerns.
- *In re EDAP TMS S.A. Sec. Litig.*, No. 14 Civ. 6069, 2015 WL 5326166 (S.D.N.Y. Sept. 14, 2015): obtained dismissal of this action in federal court in the Southern District of New York arising out of disclosures related to a “Major Deficiency Letter” from the FDA.
- *In re AVEO Pharma., Inc. Sec. Litig.*, No. 1:13-cv-11157-DJC, 2015 WL 1276824 (D. Mass. March 20, 2015) and after repleading, dismissal with prejudice, slip op. (Nov. 18, 2015), and *Van Ingen v. Ha-Ngoc*, No. 1:14-cv-11672-DJC, slip op. (D. Mass. Apr. 28, 2015): after multiple oral arguments before the United States District Court in Boston, obtained dismissals of both class action and derivative suits arising out of disclosure of the status of FDA application for approval of new drug.
- *In re Medtronic Sec. Litig.*, 618 F. Supp. 2d 1016 (D. Minn. 2009), *aff'd sub nom. Detroit Gen. Ret. Sys. v. Medtronic, Inc.*, 621 F.3d 800 (8th Cir. 2010), where plaintiffs had unsuccessfully alleged that the failure to warn of adverse events and potential defects of a medical device that eventually led to a voluntary recall of the product constituted an actionable failure to disclose. The District of Minnesota dismissed the case with prejudice, and the 8th Circuit affirmed the dismissal on appeal. The dismissal of a related ERISA class action was also upheld on appeal in *Brown v. Medtronic, Inc.* 628 F.3d 451 (8th Cir. 2010).

Recognition

- Named one of the *Best Lawyers in America* in the 2020 and 2021 editions for his securities litigation practice
- Recognized as a leader in Securities Litigation in the 2019 and 2020 editions of *Chambers USA*
- Recommended by *The Legal 500 United States* for his securities litigation defense practice 2016–present
- Named a Life Sciences Star in *LMG Life Sciences* for non-IP litigation and enforcement 2016–present
- Recognized by *New York Super Lawyers* and *Massachusetts Super Lawyers* for Securities Litigation 2012–present
- Recipient of New York Legal Aid Society Pro Bono Service Award 2010–14

Credentials

EDUCATION

JD, Harvard Law School, 1991
cum laude
AB, Dartmouth College, 1988
summa cum laude
Phi Beta Kappa, Rufus Choate Scholar, Charles Howe Woodberry Law Prize

ADMISSIONS

New York
Massachusetts
New Hampshire

GOVERNMENT EXPERIENCE

State and Local Government
Special Assistant District Attorney, Middlesex County, Massachusetts



Andrew Scott Dulberg

PARTNER

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Drew Dulberg has a diverse litigation practice with an emphasis on high-stakes, complex commercial disputes and securities and financial services litigation. Mr. Dulberg routinely defends corporations and their officers and directors facing class action lawsuits, derivative litigation and allegations of fraud. He has represented technology companies, banks, and issuers of securities charged with violations of state and federal law and breaches of fiduciary duties.

Mr. Dulberg has extensive experience handling all phases of civil litigation. He has argued motions in state and federal courts, taken and defended depositions of fact and expert witnesses, coordinated electronic discovery, drafted successful dispositive motions, prepared witnesses for depositions and trials, and been a member of winning trial teams. He has secured positive outcomes for clients in arbitrations and mediations, and has advised companies responding to investigations by the SEC, FINRA, state securities regulators and state attorneys general.

In 2014, Mr. Dulberg served as a Special Assistant District Attorney in Middlesex County, Massachusetts, where he tried more than a dozen criminal cases to judges and juries. In his pro bono practice, Mr. Dulberg has worked to exonerate multiple convicted felons, including one death row inmate, based on their actual innocence.

Prior Experience

Prior to joining WilmerHale, Mr. Dulberg completed a clerkship with the Honorable Patti B. Saris of the United States District Court for the District of Massachusetts.

During law school, Mr. Dulberg worked at the US Attorney's Office for the Southern District of New York.

Professional Activities

Mr. Dulberg is a member of the American Bar Association and the Boston Bar Association. He has served as co-chair of the firm's summer associate program, a panelist at MCLE's Annual Federal Civil Court Practice Conference and a writing coach to students participating in the Harvard Law School Problem Solving Workshop.

Experience

TRIALS / ARBITRATIONS

- Secured judgment on all counts for Harvard University in case challenging its use of race in the undergraduate admissions process following three-week federal bench trial
- Second-chaired arbitration for financial technology company in high-stakes dispute with venture capital firm and prevailed on every claim, obtaining award of attorneys' fees and costs; obtained confirmation of arbitral award plus statutory interest following successful oral argument in Massachusetts Superior Court
- Successfully represented major pharmaceutical companies in Hatch-Waxman (ANDA) patent litigation, including judgment of non-in invalidity following three-day bench trial
- Represented the Commonwealth of Massachusetts as Special Assistant District Attorney for Middlesex County, and served as lead trial counsel in 14 criminal cases

COMPLEX COMMERCIAL / REGULATORY LITIGATION

- Successful representation of art museum facing multiple lawsuits and investigation relating to plan to sell \$50M of artwork in order to avoid collapse
- Achieved voluntary dismissal of multi-million dollar fraudulent inducement lawsuit on behalf of video game developer shortly before trial
- Defended company facing multiple putative class action lawsuits asserting state law privacy and tort claims related to major cyberattack

SECURITIES LITIGATION

- Achieved dismissal of shareholder class action lawsuits in federal courts across the country alleging that public companies and their executives issued false and misleading statements and/or engaged in fraudulent schemes resulting in significant stock drops
- Secured appellate victory for biotechnology company when First Circuit affirmed dismissal of shareholder class action lawsuit
- Obtained dismissal of putative class action lawsuits challenging multi-billion dollar mergers and acquisitions in courts across the country, including Delaware Chancery Court
- Obtained dismissal of derivative litigation in District of Massachusetts relating to bank's foreign exchange trading business and exposure to mortgage-backed securities

STRATEGIC ADVICE

- Helped coordinate investigation into claims that public company C-level executive engaged in inappropriate behavior
- Advised public company in response to shareholder demand alleging violation of SEC Rule 21F-17 relating to employee severance and confidentiality agreements

- Advised company in connection with response to shareholder demand for books and records, successfully avoiding litigation

Recognition

- Selected as a "Massachusetts Super Lawyer Rising Star" in business litigation in the 2018 and 2019 issues of *Boston Magazine*

Credentials

EDUCATION

JD, New York University School of Law, 2009
magna cum laude
Order of the Coif
BA, English and History, University of Pennsylvania, 2006
summa cum laude

ADMISSIONS

Massachusetts

CLERKSHIPS

The Hon. Patti B. Saris, US District Court for the District of Massachusetts, 2009 - 2010



Allison Stoddart

COUNSEL

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ALLISON.STODDART@WILMERHALE.COM

Allison Stoddart focuses her practice on representing individuals, corporations and financial institutions in complex commercial litigation; white-collar criminal defense and related civil and administrative matters; enforcement proceedings with the SEC, CFTC and FINRA; and internal, grand jury and state attorneys general investigations.

Prior to joining the New York office, Ms. Stoddart was a law clerk for the Honorable Paul J. Barbadoro of the US District Court for the District of New Hampshire. Ms. Stoddart previously worked as a litigation associate and summer associate in the firm's Boston office.

Credentials

EDUCATION

JD, Boston College Law School, 2013
cum laude
 Symposium Editor, *Boston College Law Review*, Member, National Moot Court Team
 BA, Economics and International Studies,
 Johns Hopkins University, 2009
 with honors

ADMISSIONS

New York
 Massachusetts

CLERKSHIPS

The Hon. Paul J. Barbadoro, US District Court
 for the District of New Hampshire, 2014 - 2015



Julia C. Pilcer

COUNSEL

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JULIA.PILCER@WILMERHALE.COM

Julia Pilcer focuses her practice on complex litigation matters, including securities arbitrations and internal investigations. Prior to rejoining the firm, Ms. Pilcer clerked for the Honorable Katherine Polk Failla of the US District Court for the Southern District of New York, where she managed civil and criminal cases.

Ms. Pilcer was a summer associate at WilmerHale in 2013, before which she served as a legal intern at the US Attorney's Office for the Eastern District of New York and assisted federal prosecutors in the General Crimes Unit with trial preparation and appellate litigation.

Prior to obtaining her law degree, Ms. Pilcer was a judicial intern for the Honorable Paul A. Engelmayer of the US District Court for the Southern District of New York. In that role, she drafted opinions for motions to dismiss and motions for summary judgment in civil cases related to a variety of subjects including ERISA, Sarbanes-Oxley, Dodd Frank, trademark infringement and contract claims.

From 2009 to 2011, Ms. Pilcer was a Paralegal Specialist in the Securities and Commodities Fraud Task Force of the US Attorney's Office for the Southern District of New York where she managed the landmark insider trading prosecution of hedge fund manager Raj Rajaratnam.

Credentials

EDUCATION

JD, New York University School of Law, 2014
 Managing Editor, *Annual Survey of American Law*
 BA, Political Science, Johns Hopkins University, 2009
 with Honors

ADMISSIONS

New York

CLERKSHIPS

The Hon. Katherine Polk Failla, US District Court for the Southern District of New York, 2017 - 2018